

REMARKS

Claims 1 through 24 and 26 have been cancelled. Claims 25 through 32 remain in the patent application. Claim 25 is the sole independent claim. None of the claims have been amended with this response.

In the Office Action Summary, the Examiner has checked both boxes 2a) and 2b). Other parts of the office action include language indicating the above-identified office action is non-final and, therefore, Applicant is treating it as a non-final action. If this assumption is incorrect, Applicant respectfully requests the Examiner to issue a replacement office action to allow Applicant time to determine the correct course of action.

Claims 25 through 32 (assuming claim 26 is not included in this tally as it had previously been cancelled) stand rejected under 35 U.S.C. §102(b) as being anticipated by a United States patent application having publication number 2002/0080506 ('506 Reference). Applicant respectfully traverses this rejection.

The '506 reference discloses rearview mirror assemblies for motor vehicles (Title). This reference discloses a mirror having a mirror housing 2 with a cover 5. A mirror element 6 is secured within the mirror housing frame 4. "The entire rearview mirror is fastened by means of a clamping connection 8 on a holding tube 10" (paragraph [0019]). The part having reference number 18 in the '506 Reference is proposed by the Examiner to be a mirror mounting bracket. This is an incorrect characterization of part 18. The reference numeral 18 refers to "hooking elements," (paragraph [0020]). The hooking elements 18 extend out from a "clamping bracket 12," which is more traditionally referred to as a backing plate. The mirror housing framing 4 and the clamping bracket 12 frictionally hold the holder tube 10. Although not shown in the drawings, the holder tube is connected to the mounting brackets. Reference is made to two

design patents that issued in the name of the assignee for the '506 Reference. These are United States Patents D452,671 (which shows two mounting brackets – one at each end of its holder tube) and D581,333S (which is entitled “Mounting Bracket and Support Arm for an Exterior Vehicle Mirror Assembly). Obviously, the inventors of the '506 Reference considered the parts that mounted the mirror to the motor vehicle to be the “mounting brackets,” just as Applicant considers the mounting bracket to be the bracket that holds the mirror assembly to the motor vehicle.

As stated in Applicant's prior response, the clamping connection 8 includes a plurality of hook elements 18. These “hook elements 18 fit into a corresponding hook opening 22 in the mirror housing frame 4. As one can see in FIGS. 2 and 4, the part 20 of the clamping bracket 12 is connected to the mirror housing framing 4 by means of four screw connections 24,” (paragraph [0020]). The clamping bracket 12 is not to be confused with a mirror bracket in the mirror art – the clamping bracket 12 is something entirely different than a mirror bracket. More specifically, the term “mirror bracket” is the device that holds a mirror assembly to a motor vehicle. Unlike the term used in the other prior art and in the above-captioned patent application, the clamping bracket 12 in the '506 Reference is a device that is fixedly secured within the mirror housing to a backing plate of sorts (part 20) that has two trough-like recesses 16, 14 that receive the holder tube 10 (the part that is presumably secured to the motor vehicle and commonly referred to as mirror bracket in the mirror arts) and secures the mirror housing 2 to the holder tube 10 via a friction fit or friction force. In the '506 Reference, the clamping bracket 12 can never be secured to the motor vehicle but through an intermediate structure (the holding tube 10), never touches the motor vehicle and does not act as a mirror bracket in the sense that those terms are used by one skilled in the art.

The Examiner goes to great lengths to find parts in the '506 Reference to match the description of elements claimed in claim 25 and its dependent claims, but the interpretation fails. For example, the Examiner calls element 18 in the '506 Reference a mirror mounting bracket

when it is clearly set forth as “a plurality of hook elements.”

Another example is when the openings that receive each of the plurality of hooks identified in the drawings by reference number 22 are explained as both an insertion opening and a catch recess (p. 2, last paragraph of the above-identified office action). However, Applicant positively claims that the insertion opening (7) is defined by the mirror housing (2) and the catch recess (17') is a part of the mirror mounting bracket (3). Applicant fails to understand how the Examiner can use the same openings (21) of the '506 Reference to be both defined by the mirror housing and, at the same time, a part of the mirror mounting bracket. These are two separate and distinct parts of the mirror assembly. Further, Applicant claims the mirror mounting bracket is inserted into the insertion opening, yet the '506 Reference only shows what appears to be a small portion of an object partially extending therethrough while the majority does not. This is clearly a mischaracterization of the principles set forth in the '506 Reference.

Claim 25 claims an outside rearview mirror assembly for a motor vehicle. The outside rearview mirror assembly includes a mirror housing 2 including a circumferential lateral wall 4 defining an opening, an insertion opening 7 and a back wall 5. A mirror mounting bracket 3 is fixedly secured to the motor vehicle and is insertable into the mirror housing through the insertion opening. The mirror mounting bracket 3 includes a catch recess 17'. A snap-tongue 15 defines a free end and extends out from the back wall within the mirror and provides for a positive locking engagement with the catch recess 17' of the mirror mounting bracket 3 when the mirror mounting bracket 3 is inserted into the insertion opening 7 to lock the mirror mounting bracket therein such that the mirror housing 2 is fixedly secured to the motor vehicle.

While the '506 Reference discloses a mirror housing that receives a mirror bracket (arguably at best, the holding tube 10) through two holes in the top and bottom of the mirror housing, it does not disclose a mirror mounting bracket that includes a catch recess. The holding tube 10 shows no recess whatsoever. The mirror bracket of the '506 Reference is merely a tube having a circular cross-sectional periphery that extends through the entire length of the mirror

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casing. It does not have a catch recess – it is perfectly smooth. The whole system of the '506 Reference relies on friction around a tube 10 wherein a hook element 18 is pressed into a hook opening 22 to frictionally engage with the holding tube 10 so that the mirror housing stays in relatively the same position.

In contradistinction, claim 25 claims a rearview mirror assembly having a mirror mounting bracket with a catch recess. A snap tongue extends out from the back wall of the mirror housing (not the outer periphery thereof, as is shown in the '506 Reference) and is used to positively engage the catch recess of the mirror, which is secured to the motor vehicle, to secure the mirror housing to the mirror mounting bracket. Claim 25 does not rely on a device that secures and friction fits a tube that extends therethrough. It discloses a catch recess and a snap-in tongue that positively lockingly engage to secure the housing to the mirror mounting bracket. Therefore, claim 25, and all claims depending therefrom, overcome the rejection under 35 U.S.C. §102(b) and are in condition for allowance.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or patent application, or if the Examiner is considering additional rejections, the Examiner is emphatically invited to contact the undersigned.

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The Commissioner is hereby authorized to charge any additional fee associated with this Communication and the accompanying Form PTO/SB/08a to Deposit Account No. 50-0852.

Respectfully submitted,

/david j simonelli/

David J. Simonelli, (Reg. No. 36,680)
Reising Ethington P.C.
755 W. Big Beaver Road
Suite 1850
Troy, MI 48084
(248) 689-3500

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